

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 97-439-T - ORDER NO. 98-285

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APRIL 23, 1998

IN RE: Application of John P. McClain DBA ) ORDER  
McClain Moving Systems, 1942 E. Sam )  
Rettenberg, Charleston, SC 29407, for a Class )  
E Certificate of Public Convenience and )  
Necessity. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the application of John P. McClain DBA McClain Moving Systems (McClain or the Company) for a Class E Certificate of Public Convenience and Necessity to read as follows:

HOUSEHOLD GOODS, AS DEFINED IN R. 103-210(1):

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA.

The Commission's Executive Director required McClain to publish a Notice of Filing in a newspaper of general circulation in the area in which service is sought, one time. The Notice informed the public of ways to participate in the proceedings in this case before the Commission. The Company sent in an affidavit to show compliance with the directives of the Executive Director. A Petition to Intervene was filed by Dale J. Cook Moving & Storage.

A hearing was held on April 16, 1998 at 10:30 AM in the offices of the Commission with the Honorable Guy Butler, Chairman, presiding. John P. McClain was

present to present his Company's case. Also testifying for McClain were Patricia O'Neil and Amy McClain. Anthony Cook appeared as a witness for Dale J. Cook Moving & Storage. The Commission Staff was represented by F. David Butler, General Counsel. The Commission Staff presented no witnesses.

John P. McClain testified regarding his equipment and his experience in the moving business. McClain noted that he intended to keep his business small at first, but would gradually add employees as needed. McClain noted that there were fewer moving companies in Charleston now than in years past to serve the needs of the moving public. McClain further stated that there were no judgements pending against him or his Company and that he was generally familiar with the statutes and rules governing transportation of household goods in this State. McClain also presented for acceptance a modified rate schedule.

Patricia O'Neil, McClain's mother also testified. O'Neil is also in the moving business. O'Neil testified that she gets some three to four calls a week for moves outside of the Charleston area into other counties of the State for which she has no authority. She testified that she has to refer those moves to other movers with the proper authority. She also noted that John had worked for her for a number of years, and that she was planning on gradually turning over certain of her customers to John, as she was planning on slowly getting out of the moving business.

Amy McClain also testified, stating that she would help her husband John's company with the clerical work if certificated.

Anthony Cook of Dale J. Cook Moving & Storage made a presentation, protesting the granting of authority to McClain. Cook testified that with the Charleston Naval Base closing, and the Department of Defense apparently in the process of contracting with one mover, the business for movers had decreased in the Charleston area. According to Cook, Charleston's population is not growing.

McClain testified that, in his experience, he had never had a problem booking moves, and he believed that the business was there.

Upon examination of the Application, the representations contained therein, the documentary evidence attached thereto, and the testimony in the hearing, the Commission finds that McClain is fit, willing, and able to perform the services proposed, but, since the amount of equipment is limited, we believe that the scope of his authority should be limited as follows:

HOUSEHOLD GOODS, AS DEFINED IN R. 103-210(1):

BETWEEN POINTS AND PLACES IN:

Beaufort, Berkeley, Charleston, Dorchester, Georgetown, and Horry Counties,  
S.C.

AND FROM POINTS AND PLACES IN:

Beaufort, Berkeley, Charleston, Dorchester, Georgetown, and Horry Counties,  
S.C.

TO POINTS AND PLACES IN SOUTH CAROLINA.

We believe that this limited scope of authority is appropriate, considering the equipment possessed by McClain at the time of the hearing. We also find that, based on the evidence in the case, the granting of the Certificate as outlined above is required by the public convenience and necessity.

IT IS THEREFORE ORDERED:

1. That the application for a Class E Certificate of Public Convenience and Necessity, be, and is hereby approved for the scope of authority as outlined above.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable provisions of R.103-100 through R.103-280 of the Commission's Rules and Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

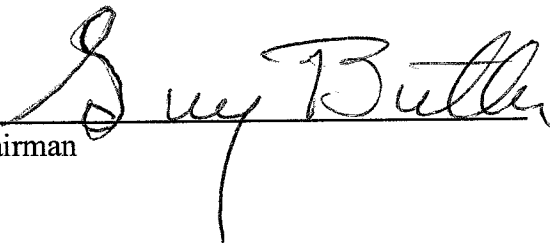
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5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)